

APPROVED: Meeting No. 51-89

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 50-89

December 4, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on December 4, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (Travel Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Anna Nalevanko was welcomed as the new graduate intern in the City Manager's Office. She is working on a number of very important projects such as a child care services directory and rental fees at the Mansion and Social Hall.

2. On Thursday, there will be another coffee at the Public Works facility on Gude Drive at 6:45 a.m. The Mayor and Council will have an opportunity to talk to the Public Works and refuse crews before they begin their work day.

3. The kick-off for the FY1991 budget season is scheduled for Thursday, December 7, at 9:00 a.m. at the Senior Center. There will be a budget issues worksession shortly after the first of the year followed by communications with outside agencies who normally request appropriations from the City.

4. Regarding the status of the interchange of Falls Road and I-270, the timetable for completion has been adjusted by the State to May 1, 1990.

5. The City has been successful in adding City Hall as a pick-up point under the County's recycling contract. Three types of paper, news print, stationery and computer paper, will be collected for recycling.

Mayor Duncan stated that, just prior to the meeting, the Mayor and Council unveiled the three paintings by Connie Ward Woolard of the Images of Rockville art series. These paintings will be permanently located in the Council Chamber, and the Mayor and Council are very pleased with this addition.

Re: Presentation of awards to  
winners of Rockville Gazette  
Open Tennis Tournaments held  
in October

Davis Kennedy, publisher of the Rockville Gazette, was presented with a Certificate of Appreciation for sponsorship of the Rockville Gazette Open Tennis Tournaments. Appreciation was also expressed to Jose Koricki, who was unable to be present, for the support and assistance of Irving Sports Shops.

The following winners of the Rockville Gazette Open Tennis Tournaments were presented with trophies by the Mayor and Council:

<u>Men's Open</u>	<u>Men's Seniors</u>	<u>Men's Novice</u>
Steve Newman	Stan Freden	Troy Bardwell
Jeff Ginnis	Charles Harris	Darryl Watson
<u>Women's Open</u>	<u>Women's Novice</u>	<u>Teen's Open</u>
Pearleana Morris	Cheryl Thomas	Pat Chase
Vicky Estrella	Debby Vajda	Alex Mosenthal
<u>Men's Doubles Open</u>		<u>Mixed Doubles</u>
Steve Newman/Peter Schaumberg		John Hill/Jen Radden
Philip Nicholson/Jean Pierre Faure		Christine Carpenter/Don Logan
<u>Women's Doubles</u>		<u>Men's Doubles Novice</u>
Eva Hickman/Kathy Milburt		Marv Addink/Barry Gorter
Pearleana Morris/Cindy Walsh		Arcangelo Forte/Paven Sharma

Meeting No. 50-89

3

December 4, 1989

Teen's Doubles

Danny Berman/Darwin Olympia  
Nirnay Sinha/Brett Worman

Re: Presentation of proceeds check  
from Oktoberfest to Montgomery  
County Special Olympics.

Mayor Duncan presented a check in the amount of \$2,000 to Sean Maloney, President of Montgomery County Special Olympics, representing the proceeds from the sale of soft drinks at the Oktoberfest celebration.

Re: Proclamation declaring the  
week of December 10-16, 1989,  
as "National Drunk and Drugged  
Driving Awareness Week" in  
Rockville.

Proclamation No. 27-89

By a unanimous vote of the Mayor and Council, December 10-16, 1989, was declared "National Drunk and Drugged Driving Awareness Week" in Rockville. Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council.

Mothers Against Drunk Driving (MADD) are asking Americans to "Tie One on for Safety" by participating in Project Red Ribbon, a national holiday public awareness campaign. Virginia Bright, Executive Director of the Montgomery County Chapter of MADD, accepted the Proclamation.

Councilmember Hovsepian recognized Boy Scout Troop 1340 whose members were attending the meeting to earn their citizenship badges.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Karen Lechter was reappointed to a three-year term as a member of the Board of Appeals and Patrick Woodward was appointed to a one-year term as an alternate.

Meeting No. 50-89

4

December 4, 1989

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Georgia Gardner was appointed as a member of the Rockville Baltimore City-to-City Task Force.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Monica Barnett was appointed to a five-year term as a member of the Housing Authority Board of Commissioners.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Donald Wallesz was appointed to a three-year term on the Landlord-Tenant Affairs Commission as an at-large alternate.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Robert Jacques, 629 Aster Boulevard, addressed several issues. He first raised concerns that Citizens' Forum was abused in the past by candidates for office as well as individuals speaking too long. Secondly, he noted that he didn't think it appropriate for the ethics of board and commission members to come under scrutiny when an administrative decision unfavorable to some residents is made.

Mr. Jacques requested that the City review the use of materials other than gravel rock for playground equipment areas. It was noted that peat gravel is safer than wood chips, and staff will be responding to him with some information. Mr. Jacques also asked if any action had been taken with respect to an earlier report by him of an unsafe situation at the end of Azalea Drive involving an unprotected storm drain. Mayor Duncan responded that staff is looking into this and will be making a recommendation.

2. Frank Merendino, 823 Crothers Lane, expressed concern regarding the storage of debris, bulldozers and trucks on a small piece of ground at the intersection of Rockville Pike and Ritchie Parkway being rented to Nazario Construction.

Councilmember Coyle asked if the site is being used as a dumping ground. The City Manager indicated he is very much aware of the situation, there have been some changes on the property but that it has not been completed as yet.

3. Joe Zetts, 121 Ritchie Parkway, stated that he had asked for a four-way stop at Ritchie Parkway and Jefferson Street. Although a policeman had noted that it was a dangerous intersection and a four-way stop was warranted, the transportation engineer responded that existing conditions did not justify an "all-way stop."

Mayor Duncan stated that staff will take another look at the four-way stop.

4. Stan Klein, 7 Lorre Court, commented on the November 7 election, noting that a Ms. Bienen had received three sample ballots and that some individuals had been sent to the wrong polling place.

Mr. Klein also commented on discussions with residents regarding the North Farm tunnel and turn ramp and the City's relationship with the State Highway Administration. Delegate Mike Gordon indicated to Mr. Klein that he would speak with SHA officials and that City staff should start pressuring them to begin to communicate with the City and residents regarding changes. Councilmember Marrinan stated that some type of progress report is owed to the City on projects affecting Rockville and there should be ongoing communication on an operational level.

5. Steve Abrams, 2290 Dunster Lane, commented that in watching the Mayor and Council meeting on cable, there is no character generator for the consent agenda which is confusing to the public. The City Manager responded that this was part of CATV enhancements and they will follow through.

Mr. Abrams expressed hope that the Mayor and Council would adopt travel and use of city vehicle policies.

He also commented on the people mover system used in the City of Miami, urging the Mayor and Council to look at these technologies when reviewing plans for Rockville.

Meeting No. 50-89

6

December 4, 1989

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Marrinan abstaining, the minutes of Meeting No. 45-89 (October 23, 1989) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Marrinan abstaining, the minutes of Meeting No. 46-89 (October 30, 1989) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 47-89 (November 20, 1989) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 48-89 (November 21, 1989) were approved, as written.

Re: Consent Agenda

Councilmember Hovsepian asked to have Item B., Preliminary Review, Text Amendment T-102-89, removed from the Consent Agenda.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 73-90 for roof improvements at municipal facilities to Raintree Industries, Inc., Baltimore, Maryland, for the low bid amount of \$37,890. The budgeted amount for this project is \$60,000.

This project includes roof improvements at the Lincoln Park Center, F. Scott Fitzgerald Theatre, Elwood Smith park building, Pumphouse, Potomac Woods and David Scull park shelters.

- C. Award of Council of Governments Annual Cooperative Bid for Rockville for 54,000 gallons of #2 heating oil to Shirlington Oil Company at their low bid price of \$0.5714 per gallon (or \$0.5860 per gallon for smaller delivery vehicles).

Each year, the City buys its #2 heating oil through the Council of Governments cooperative bidding process. Last year's cost was \$0.4393 per gallon (or \$0.4738 per gallon for smaller delivery vehicles).

- D. Introduction of Ordinance to amend Chapter 11, Section 11-1.02 of the "Laws of Rockville," entitled "Traffic, Vehicles and Transportation" so as to define the term "rated-load capacity."

This added definition will aid in determining the applicability of the Oversized Vehicle Regulations to specific vehicles.

Re: Preliminary Review - Text Amendment T-102-89, Community Ministries of Rockville, Applicant.

This text amendment (Item B from the Consent Agenda) proposes to amend the Zoning Ordinance to provide a definition for Single Room Occupancy (SRO) facility and to allow this use by special exception in the O-2, Office Transitional Zone. Councilmember Hovsepian noted that it is a very specific text amendment and that she would like to see the issue of Single Room Occupancy facility explored in a broader capacity to provide for its use in other zones. It was noted that staff would provide an analysis.

Re: Review and approval of architectural elements for Phase I of Courthouse Square development.

Phase I consists of 7,500 square feet of retail and 135 dwelling units. The apartment/condominium structure is a ten-story building with a stone colored split-face block with light brown brick bands. The first through tenth floors are of light brown brick with dark brown brick bands. Each floor is differentiated by beige brick

Meeting No. 50-89

8

December 4, 1989

horizontal bands which match the brick pediments above the windows. The fenestration is clear glass surrounded by gray frames. The bays, repeated throughout the facade, feature balconies with tuscan metal railings. The metal roof features antique copper. The mixed use building is a five-story structure with the lower three floors designated as office space and the upper two floors designed into 26 residential units. The materials of the mixed use building match those of the apartment/condominium structure.

Barry Dunn, the architect for the project, described the architectural elements in detail. Mayor Duncan noted that the Historic District Commission requested that the applicant bring back a sample of the split-face brick which Mr. Dunn indicated would be done.

Joseph Lynott, attorney for Mr. Whalen, advised the Mayor and Council that the architectural elements as presented have been recommended for approval by the Planning Commission and the Historic District Commission. The loan commitment has been received for Phase I, and they expect to close on the loan by the end of January. Mr. Lynott reviewed the minor changes in the project which have occurred subsequent to preliminary approval by the Mayor and Council. With the addition of residential units in Phase I and the deferral of construction of the garage until Phase II, the applicant requested approval for the addition of 21 temporary parking spaces located in the octagonal interior court located off of Courthouse Square.

In response to Mayor Duncan's question regarding leasing the extra parking spaces in the Metro garage, Mr. Whalen noted that the extra parking spaces are required to comply with the code and to meet the requirements of the lender. Additionally, if the spaces were leased, they would have to be turned over to the condominium association. Mayor Duncan read a statement from Councilmember Robbins indicating that he opposes any additional parking unless it is for drop-off and pick-up in front of the building.



In response to the question regarding the need for a ten-story apartment/condominium building, Mr. Whalen stated that he explored various height options and that this option was the only configuration that would allow him to proceed with the development.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed by all those present, the Mayor and Council approved the architectural elements for Phase I of the Courthouse Square development, including the use of 21 temporary parking spaces for a period of two years from the date of completion of the apartment/condominium site, or completion of Phase II of the Project, whichever occurs first.

Re: Instructions to Staff  
- Request to designate  
Lincoln High School an  
Historic District.

The Historic District Commission requests that the Mayor and Council authorize filing a Map Amendment Application to place the historic building and site on N. Stonestreet Avenue in an Historic District.

Councilmember Hovsepian expressed two concerns, the first being that there is no indication that the community is supporting this designation. Secondly, she was concerned with the designation of the entire site rather than just the building as the Lincoln Park community had expressed hope that the site could be used for residential purposes.

Barbara Hill Talley, President of the United Black Cultural Center which is seeking use of part of the building as a museum, advised the Mayor and Council that a recent survey of Lincoln Park residents indicates that they would prefer the museum over housing.

Michael Patterson of the Historic District Commission commented that the historic district designation does not affect the ultimate use of the building; rather,

Meeting No. 50-89

10

December 4, 1989

it is a protective device. He also favors designation of the building and site inasmuch as it is one entity. In response to Mayor Duncan's question regarding the quonset huts on the property, Mr. Patterson stated that they could not force anyone to take them down but merely could encourage the appropriate authorities to do so.

Mayor Duncan suggested that staff move forward with a Map Amendment for historic designation of the building and property, noting that changes could be made during the process. The Council concurred and staff was directed to proceed with filing the Map Amendment.

Re: FYI/Correspondence

Councilmember Coyle referenced the memorandum from the Director of Recreation and Parks to the City Manager regarding entertainment for Hometown Holidays.

Mayor Duncan mentioned the letter received from County Executive Kramer in support of the designation of Lincoln High School as an historic site.

Re: New Business

Councilmember Coyle inquired into the status of the Congressional Lane turn issue, and the City Manager noted that a report was forthcoming. Regarding the sidewalk on the east side of Great Falls Road, the City Manager stated that it is being checked on. In response to Councilmember Coyle's request for status on the ease of people applying for rent relief at Congressional Towers, the City Manager noted that the problem has been corrected.

Councilmember Hovsepian briefed the Mayor and Council regarding her participation in the recent National League of Cities Conference. She indicated that she had attended a number of workshops and seminars, including Drugs and Your City and Teaming Up with Your City's Non-Profits to Provide Affordable Housing, and had brought back a number of good ideas to share with City staff.

Councilmember Coyle also attended the NLC Conference and commented on positions

Meeting No. 50-89

11

December 4, 1989

taken by the Human Development Steering Committee, of which he is a member, on issues such as the need for local governments to provide more information on AIDS and opposition to use of armor piercing bullets. Having attended the seminar on The Ethical Challenges of Public Service, Councilmember Coyle commented that public officials are held to a higher standard of ethics than other individuals in public life, making it more difficult for people to participate.

Councilmember Marrinan found that attending the NLC Conference was very helpful to him in assuming his role as a newly elected Councilmember; he attended workshops dealing with neighborhood preservation and community development, strategies for promoting a healthy city, understanding the development process and the budget planning process.

Mayor Duncan noted several items of new business:

1. Regarding the CIP item for revitalization of the Lincoln Park neighborhood, a neighborhood committee was to be formed to make recommendations. Several community members have volunteered to join such a committee, and he requested that staff follow-up.

2. With respect to complaints of traffic problems on Watts Branch Parkway, there is a CIP item to explore traffic mitigation measures, and the neighborhood should be involved in this process.

3. Exhibitors in the Hometown Holidays Craft Fair have made suggestions for improving next year's exhibit and have volunteered to serve on a committee. Staff was requested to follow-up.

4. Mayor Duncan asked that as staff prepares the Map Amendment to designate the Lincoln School site as an historic district, they should also prepare a similar one for the Civic Center Mansion.

5. Regarding the "Say No to Drugs" campaign, the County has made no provision

Meeting No. 50-89

12

December 4, 1989

to provide Drug Free Zone signs to private schools. Mayor Duncan requested that the City offer such signs to private schools within the City, with funding from the Targets of Opportunity fund. He also requested that a letter be sent to the County encouraging them to do the same thing for the private schools in the County.

Councilmember Coyle stated that the Council of Governments is moving into new headquarters in early January and that it is would very appropriate for the City to recognize COG. It was agreed that Walter Scheiber, Executive Director, and Ellen Bozman, Chairman, Board of Directors, should be invited to the first meeting in January to receive a Proclamation.

Re: Executive Session

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 9:40 p.m. to discuss land disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:15 p.m., to convene again in General Session at 7:30 p.m. on December 18, 1989, or at the call of the Mayor.